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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,488	11/15/2001	Carl I. Green	42390P13011	3371

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EXAMINER

NGUYEN, HIEP T

ART UNIT PAPER NUMBER

2187

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/990,488

Applicant(s)

GREEN, CARL I.

Examiner

Hiep T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12-14, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by the prior art portion [figures 1-3; and the corresponding description portion in the specification, col. 1-2] of Packer et al., U.S. patent No. 6,131,138; hereafter, Packer's admitted prior art or Packer APA].

(a) As per claim 1: Packer APA teaches a method comprising:

- i. Using an optical drive to read a file from an optical storage medium, the optical storage device having a plurality of drive speeds [figure 3, col. 2, lines 16-28];
- ii. Determining a drive speed from the plurality of drive speeds based upon a format of the file [see again col. 2, lines 16-28].

(b) As per claim 2: Packer APA further teaches various types of data format ranging from CD_ROM, photo CD, CD-I, DVD, laser disc, CD-audio to various video formats and that the different types of CD data are sometimes speed specific [see col. 1, lines 11-22]

(c) As per claim 3: packer APA further discloses that the plurality of drive speeds comprises 1X and multiple of X [see col. 2, lines 19-28].

(d) As per claims 12 -14: the claimed machine readable medium is no more than storage medium for storing instructions for carrying the steps of claims 1 - 3. The Packer APA must have carried out the mentioned steps using instructions stored in the RAM (124) or

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EPROM (122). Accordingly, Packer APA also teaches the claimed machine-readable medium.

- (e) As per claims 24-26: the claimed system basically comprises the corresponding means or elements for carrying out the steps in claims 1-3. Accordingly, Packer APA also taught the claimed system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-11, 15-23 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packer APA, as applied to claims 1, 3, 12, and 14, above; and further in view of well-known features of which Official Notice is hereby taken.

- (a) Packer APA teaches system and method for operating an optical disc drive at various speeds depending on the types of data format, as mentioned.
- (b) Packer APA, however, does not explicitly teach that the step of determining a drive speed further comprising a step of accessing a coded drive-speed lookup table stored as a firmware in a nonvolatile memory such as a ROM, PROM, EPROM, an EEPROM, or a flash memory.
- (c) As previously mentioned that the Packer APA teaches multiple types of data format which is accessed at a predetermined and/or specific speed. Accordingly, the APA packer must have relied on some source of lookup table and/or certain predetermined information in order to control the disc drive speed in accordance to the specific type of data format. Furthermore, saving control information in a non-volatile memory is

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common practice in the art due to the fact that the data would be remained in the memory even when the system power is cut off.

- (d) Accordingly, it would have been obvious to one having ordinary skill in the art, if not already inherent in the Packer APA, at the time the invention was made to form a lookup table having a plurality of data format types and their corresponding disc drive speeds, and storing such table into a non-volatile memory such as that of Packer APA EPROM 122.

Conclusion

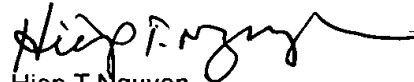
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (a) Tokuyama et al., 5,666,334, teach a disk drive that selects suitable speed for accessing a corresponding type of data.
- (b) Katou et al., 6, 181,652, teach a method and apparatus for reading CD-ROMs at matching speeds determined by disk eccentricities.
- (c) Smith, 6,400,892, teaches a disc drive operated at various speeds depending on the types of information being recorded.
- (d) Mau et al., 6,469,967, teach methods for determining write rates of optical media devices.
- (e) Yen et al., US 2202/0036959, teach a CD-RW drive with multi-stage linear velocities and different recording speeds and recording powers for each stage.
- (f) Antonio et al., US 2002/0097515, teach a storage device with at least two modes of operation supporting different platter rotation speeds.
- (g) Yamashita et al., US 2002/0159365, teach a disk device and method of changing rotational speed of disk device.
- (h) Komaki, US 2002/0186630, teaches an optical disk drive that supports a plurality of recording speeds.
- (i) Cheng, US 2003/0007429, teaches a push button speed change device for CD ROM drive.

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(j) Okada, US 2003/0099176, teaches a disk drive and control method therefor.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Hiep T Nguyen
Primary Examiner
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HTN